

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 21, 1999

DIVISION ONE

B118148 People (Not for Publication)
B121071 v.
Curry & Robinson

We modify Robinson's abstract to delete the conviction and sentence for assault with a deadly weapon. We direct the trial court to prepare an amended abstract so reflecting and forward it to the Department of Corrections. In all other respects we affirm the judgments.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

B120624 People (Not for Publication)
v.
Thomas

The matter is remanded for correction of the abstract of judgment. In all other respects, the judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B117644 Terry (Not for Publication)
B119401 v.
United States of America

We affirm the order awarding the interpleaded funds to the Plan. We direct the county treasurer to release the funds accordingly. The Plan is entitled to costs on appeal.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Dunn, J. (Assigned)

B118276 Van Wagner Communications (Not for Publication)
v.
City of Los Angeles

We affirm the judgment of dismissal for the city. Van Wagner must pay the city's costs on appeal.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

B120037 Mohr et al. (Not for Publication)
v.
Totin

The award of punitive damages is reversed as to appellant/defendant Richard Totin ("Dick Toten"). In all other respects, the judgment is affirmed. Each party is to bear his own costs.

Ortega, J.

We concur: Spencer, P.J.
Masterson, J.

DIVISION TWO

B109271 People (Not for Publication)
v.
Cloud, et al.

The Court:

As to each appellant, the judgment is modified to provide that the term imposed on count 3 is stayed pending completion of service of the sentence imposed on count 6, and thereafter permanently. In all other respects, the judgments are affirmed.

Boren, P.J., Fukuto, J., Nott, J.

B113071 Artesia Medical Development Company (Not for Publication)
v.
Maestri

The judgment is affirmed. Respondent to recover costs on appeal.

Zebrowski, J.

We concur: Fukuto, Acting P.J.
 Nott, J.

B118603 Crosstalk Productions, Inc., et al. (Not for Publication)
v.
CBS Television Network

The judgment of dismissal is reversed with directions to vacate the order sustaining the demurrer without leave to amend and to allow appellants leave to amend. Plaintiffs (appellant) to recover costs on appeal.

Zebrowski, J.

We concur: Fukuto, Acting P.J.
 Nott, J.

January 21, 1999-Continued

DIVISION TWO (Continued)

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The judgment is affirmed.

Zebrowski, J.

We concur: Boren, P.J.
 Nott, J.

103733-99

THE HONORABLE **ROBERT M. MALLANO**, Judge of the Los Angeles Superior Court, Los Angeles County, is hereby assigned to assist the Court of Appeal, Second Appellate District, Division TWO, as a Justice thereof, on the following dates:

February 1, 1999 to April 30, 1999

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

Dated: January 19, 1999

Ronald M. George
Chief Justice of California and
Chairperson of the Judicial Council

DIVISION THREE

Court convened at 9:30 A.M.

Present:, Croskey, Acting P.J., Kitching, J., Aldrich, J., and S. Veverka, Deputy Clerk.

Each of the following:

B124372 County of Los Angeles v. Susan S. et al.

B119966 Kuzbicki v. Stearns

B115221 Johnson v. Yu et al.

B118133 People v. Esqueda

B119029 People v. Robin Wayne H.

B120689 People v. Dennis Javier D.

Argument waived, cause submitted.

B113092 Porter
 v.
 Mountain View School District

Merits:

Argued by Mark S. Glazer for appellant and by Louis E. Marino and John Chow for respondents. Cause submitted.

Presiding Justice Klein assumes the bench.

B109934 Muresan
 v.
 Hakimfar

Merits:

Argued by Kathryn Albarian for respondent and by no appearance for appellant. Cause submitted.

DIVISION THREE (Continued)

B118277 Lindsay
v.
Brent, et al.

Merits:

Argued by James P. Habel for appellant and by Barry G. West, Mary G. Whitaker, and James F. Marshall for respondents. Submission deferred. Respondents to file letter briefs by February 1, 1999. Appellant's response by February 8, 1999.

Presiding Justice Klein leaves the bench.

B109530 Simtel Communications et al.
v.
National Broadcasting Company, Inc

Merits:

Argued by Neville L. Johnson for appellant and by Anne H. Egerton for respondent. Cause submitted.

Court recessed at 11:45 A.M.

The Court reconvened at 1:30 P.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., and S. Veverka, Deputy Clerk.

Each of the following:

B118762 Duarte v. Abdelsayed
B122338 Castro v. Jackson, Jacobson, and Franklin
B112839 People v. Gonzalez
B119827 People v. Washington
B115436 People v. Qureshi

Argument waived, cause submitted.

DIVISION THREE (Continued)

B115444 Lockett
 v.
 Death Row/Interscope Records et al.

Merits:
Argued by Brian J. Panish for appellant and by Edwin F. McPherson for respondent. Cause submitted.

B124945 Tizabi
 v.
 S.C.L.A.
 (Fireman's Fund Insurance Company, r.p.i.)

Merits:
Argued by John V. Hager for real party in interest and by Koorosh Banayan for petitioner. Cause submitted.

B119293 Barbu
 v.
 City of Los Angeles

Merits:
Argued by Janice R. Mazur for appellant and by Gregory P. Orland, Deputy City Attorney for respondent. Cause submitted.

Justice Aldrich leaves the bench.

B120368 Raza
 v.
 Southern California Permanente Medical Group

Merits:
Argued by Jerome Zamos for appellant and by F. Scott Page for respondent. Cause submitted.

Court adjourned at 3:10 P.M.

DIVISION FOUR

B125237 R.J. Land & Associates (Certified for Publication)
 v.
 Kiewit-Shea

The judgment is reversed. The cause is remanded for such further proceedings as may be necessary, consistent with the views expressed in this opinion. The parties shall bear their own costs on appeal.

Vogel (C.S.), P.J.

We concur: Hastings, J.
 Curry, J.

B116840 Norcal Mutal Insurance (Not for Publication)
 v.
 Reich

The order appealed from is affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
 Curry, J.

B123073 Scoby (Not for Publication)
 v.
 Amwest Surety Insurance Co.

The judgment is affirmed. The cross-appeal is dismissed as moot. Respondents shall recover costs on appeal.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Curry, J.

DIVISION FOUR (Continued)

B118352 Schneider (Not for Publication)
v.
Katzir Floor & Home Design

The orders granting summary judgment and summary adjudication are affirmed. Respondent KFHD shall recover costs on appeal.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

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The judgment is affirmed. Respondent shall recover costs on appeal.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B119197 People (Not for Publication)
v.
Jones

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FOUR (Continued)

B118707 People (Not for Publication)
v.
Moca

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FIVE

B125189 Los Angeles County, D.C.S. (Not for Publication)
v.
Alica L.

The orders pursuant to Welfare and Institutions Code section 366.26 are affirmed in their entirety.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

DIVISION SIX

B118476 People (Not for Publication)
v.
Macias

The judgment is modified to reflect a restitution fine of \$9,000 pursuant to section 1202.45. In all other respects the judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

January 21, 1999-Continued

DIVISION SIX (Continued)

B124301 People (Not for Publication)
v.
Amirkalali

The judgment (order of commitment) is affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Burke, J. (Assigned)

B122731 People (Not for Publication)
v.
Russo

The judgment (order of commitment) is affirmed.

Burke, J. (Assigned)

We concur: Gilbert, Acting P.J.
 Yegan, J.

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The order under review is affirmed.

Burke, J. (Assigned)

We concur: Gilbert, Acting P.J.
 Yegan, J.

January 21, 1999-Continued

DIVISION SIX (Continued)

B123899 William Z. (Not for Publication)
v.
Kelly A.
In the Matter of the Adoption Petition of Ronald and Barbara E.

The judgment is affirmed. William is awarded costs on appeal.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

B118817 People (Certified for Partial Publication)
v.
Williams

The judgment is reversed.

Gilbert, J.

We concur: Stone, J. (Assigned)
Yegan, J.

DIVISION SEVEN

[illegible]

The order sentencing appellant is reversed and the cause is remanded for further sentencing proceedings in conformity with the opinions expressed herein. In all other respects, the judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION SEVEN (Continued)

B122591 People (Not for Publication)
v.
Groce

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

B116806 People (Not for Publication)
v.
Williams

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

B125756 Vivian J., et al. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Dept. of Children & Family Services, et al., r.p.i.)

Because substantial evidence supports the juvenile court's order to conduct a hearing pursuant to section 366.26, the petition is denied on the merits. (See *In re Joanne Y.* (1992) 8 Cal.App.4th 433, 439, *In re Shaundra L.* (1995) 33 Cal.App.4th 303, 316.).

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

DIVISION SEVEN (Continued)

B122740 Los Angeles County Dept. of
Children & Family Services (Not for Publication)
v.
Toni W.

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B116572 Hart (Not for Publication)
v.
Harris & Associates

The judgment is reversed and the cause is remanded to the trial court to conduct an in-camera proceeding pursuant to section 411.35, subdivision (h), to determine compliance with section 411.35. Each party is to bear its own costs on appeal.

Lillie, P.J.

We concur: Woods, J.
 Neal, J.

B121903 Hartzler, et al. (Not for Publication)
v.
State of California Dept. of Insurance

Paragraphs 3 and 4 of the judgment are stricken; as so modified, the judgment is affirmed. Respondents are entitled to their costs on appeal.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.